

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PETER A. HOCHSTEIN et al.,

Plaintiffs,

Case Number: 04-73071

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

MICROSOFT CORPORATION,

Defendant.

_____ /

**ORDER DENYING DEFENDANT MICROSOFT CORPORATION'S MOTION FOR
RELIEF FROM JUNE 29, 2009 ORDER STRIKING AS NOT TIMELY DEFENDANT'S
MOTION FOR CLARIFICATION OF THE COURT'S MAY 21, 2009 ORDER
CONCERNING INVALIDITY AND ROLLING PRODUCTION**

Defendant Microsoft Corporation seeks relief from this Court's order May 21, 2009 Order striking, as untimely, Defendant's motion for clarification of the Court's May 21, 2009 Order concerning invalidity and rolling production. Microsoft's motion at issue was not timely; it stated a June 5, 2009 filing date, which was incorrect. The correct filing date was June 6, 2009. Yet, Microsoft did not immediately "fess up" and notify the Court of its error, and provide an explanation for the Court to consider a waiver of the deadline. Instead, the Court discovered the erroneous filing date and enforced the Local Rule. The Court finds that Microsoft's belated confessions do not warrant relief. Accordingly, the Court **DENIES** Microsoft's Motion for Relief. (Doc. No. 503).

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: August 21, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 21, 2009.

S/Denise Goodine
Case Manager